



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 13, 2021

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BY EMAIL

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Justine Barajas*, 20 Cr. 340 (VEC)

Dear Judge Caproni:

The Government writes with the consent of defendant Justine Barajas to respectfully request a 30-day adjournment of the pretrial conference currently scheduled in this matter for January 14, 2021, at 10:00 a.m. The Government also seeks an order excluding time under the Speedy Trial Act until the new date for the pretrial conference.

On June 17, 2020, Barajas was arrested in a vehicle in possession of five kilograms of heroin. Barajas was subsequently charged by Complaint for conspiring to possess with intent to distribute heroin, in violation of 21 U.S.C. 841(b)(1)(A) and 846, and indicted for the same offense. *See* Dkt. Nos. 1, 5. A pretrial conference was held on October 28, 2020, and the next conference is scheduled for January 14, 2021.

The parties have had specific discussions regarding the terms of a pretrial resolution of this matter, including as recently as Monday, January 11, 2021. The parties request additional time to complete these negotiations; specifically, the parties request a 30-day adjournment of the pretrial conference scheduled in this matter for January 14, 2021. Defense counsel consents to this request.

The Government further requests an order excluding time under the Speedy Trial Act from January 14, 2021, until the date of the next pretrial conference. The ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial because

the continuance will permit the parties additional time to discuss a resolution to this matter. *See* 18 U.S.C. § 3161(h)(7)(A).

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: /s/
Kedar S. Bhatia
Assistant United States Attorney
(212) 637-2465

Application GRANTED. The January 14, 2021 conference is ADJOURNED until **February 16, 2021, at 10:00 a.m.** Regardless of the status of plea discussions, unless Defendant has requested a change-of-plea hearing or entered a plea by the adjourn date, the February 16, 2021 hearing will proceed, at which the Court will set a trial date and schedule for pretrial submissions. Counsel is reminded to heed this Court's Individual Practices requiring that requests for adjournments be submitted at least 48 hours in advance of the originally scheduled conference.

The period between January 13, 2021, and February 16, 2021, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by accommodating logistical difficulties created by the COVID-19 pandemic outweigh the interests of the public and the Defendant in a speedy trial.

SO ORDERED.

Valerie Capri 1/13/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE